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Book review: Yash P. Ghai, Reflections on Law and Economic Integration in East Africa

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nature of class conflict, Shivji identifies obstacles to this proletarian orientation. In fact, Shivji is not particularly optimistic about the immediate future and is among the most outspoken critics of the Tanzanian leadership. The book includes an appendix describing several facets of the integration of Tanzania into international capitalism.

As a critique of, and corrective to, earlier work, Shivji's book is extraordinarily useful. He goes beyond reviewing the active underdevelopment of Tanzania during the period of European rule to identify the nature of class conflict in the decolonization process. A clearer understanding of the petty bourgeois class base of the nationalist leadership helps us make more sense of the behavior of the independent government. That is, its efforts to use state power to secure control of the national economy are not only an anti-European strategy but also an attack on the nascent local merchant class. In the Tanzanian context, where the Asians emphasized their ethnic exclusiveness to preserve community solidarity and where the nationalist struggle often juxtaposed African ethnic identity to white rule, that anti-merchant struggle merged with anti-Asian sentiments--class and ethnicity (or race) are not alternative explanations but inter-linked motivation for behavior.

Similarly, Shivji's characterization of the "bureaucratic bourgeoisie"--a phenomenon that, whatever the terminology, is recognizable throughout Africa--helps us develop an understanding of the seemingly contradictory current behavior of the Tanzanian leadership. Though frequently stressing the impoverishment of Tanzania that stems from Tanzania's integration into the capitalist world economy, the Tanzanian leadership continues to depend heavily on trade and aid from the major capitalist powers. Though ostensibly committed to a socialist organization of production and to active mass participation in policy formulation and implementation, the Tanzanian leadership pursues policies that emphasize technocratic and bureaucratic concerns, thus undermining both socialist organization and mass participation. As Shivji points out, the class base of that leadership led it to pursue an anti-imperialist strategy to secure decolonization, but as the ruling class itself becomes enmeshed in international capitalism its anti-imperialism yields to its capitalist connections.

There are important weaknesses in this book, many of which have already been outlined by Shivji's critics. (In fact, this book is a response to critics of an earlier, incomplete analysis, *The Silent Class Struggle*, and an elaboration of the ideas introduced there.) The most serious weakness is Shivji's inclination to rely on rigid categories and mechanistic linkages. From the perspective of the social science mainstream, Shivji's analytic structure is too gross an instrument to capture the nuances of Tanzanian politics. And from the marxist perspective, Shivji's analytic structure is more mechanical than dialectical; outcomes are seen as determined by static structural arrangements rather than as the result of tensions and conflict. In short, too much is explained too quickly and too smoothly. To take just one example, Shivji's outline of the class structure of Tanzania is reminiscent of the stratification studies common in the writings of sociologists: a relatively static listing of categories (metropolitan, commercial, and petty bourgeoisie, kulaks, workers, and peasants), rather than a categorization derived from a detailed analysis of the changing organization of production both within Tanzania and in the world economy. As a result, shifts in the focus of class antagonism and rearrangements of class alliances can be

described but not explained.

Yet Shivji's major contribution is as a critic, and there he is very successful. As well, he has outlined a direction for future work. In this regard, Shivji's book ought to be considered an initial hypothesis: a comprehensive first approximation of the nature of Tanzania's political economy. The next step is to match the empirical study of that political economy to the hypothesis, in the process correcting and refining the hypothesis. Successive approximations, each in the form of a proposed comprehensive explanation, will permit a fuller understanding of the events. And since the initial appearance of this work in duplicated form in 1974, that is exactly what Shivji has been engaged in.

Thus, as a country study of Tanzania, this book is seriously flawed. At the same time, it is a major step forward in our understanding of Tanzania, and of Africa. And it has generated the sort of debate that will permit substantial advances in the future.

Yash P. Ghai, Reflections on Law and Economic Integration in East Africa.
Uppsala: Scandinavian Institute of African Studies, 1976. Research
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In this brief booklet, Yash Ghai provides a thought-provoking and useful examination of some of the weaknesses of the legal structure of the East African Community, as set forth in the Treaty of 1967. Analysis of these difficulties is especially valuable in view of the widely-recognized role of economic integration in permitting developing nations to take advantage of economies of scale, especially to build large-scale, modern industry. The newly established Economic Community of West African States (ECOWAS) is built around similar assumptions. 1

In East Africa, with a population of over 30 million and a land area the size of Europe, it has long been argued that economic integration could lay the foundation for balanced self-reliant regional growth capable of providing productive employment opportunities and rapidly raising the levels of living of all the region's inhabitants. At the time of independence, a fairly high degree of coordinated community services and a common market already existed. Yet today, for all intents and purposes, the East African Community, of which so many, academics and politicians alike, expected so much, is no longer functioning. Writing before its final collapse, Ghai provides some very useful insights as to why.

Ghai correctly emphasizes that economic integration cannot succeed unless the participating nations have a common political-economic system. He points out that the legal arrangements and institutions established by the Treaty, designed primarily to halt further disintegration of the then-existing level of cooperation, in some respects actually hastened its demise. He

suggests, for example, that the decentralization of the corporations providing services, like railways, the post and communications system, etc., actually tended to disrupt their unified operations, reducing potential economies of scale. The fact that supreme authority rested with the presidents of the participating nations rendered the decision-making structure of the Community unwieldy and incapable of dealing with even the day-to-day issues of running the Community services. The weakness of the secretariat, its inability even to gather information on critical issues on its own, thwarted creative initiatives. The court's interpretation that state laws override community laws in the case of conflict further undermined the Community's ability to introduce an effective dynamic towards greater cooperation.

One must agree with Ghai that "law can do little if the partner states are not seriously committed to co-operation." He is justified in asserting that "It is not possible to make any recommendations for the revision of the Treaty or to suggest new legal arrangements until one has some sense of the political and economic decisions on the revision." (p. 42) It is undoubtedly true, as he says, that cooperation among East African states "is scarcely possible along the lines of free trade" as assumed in the Treaty. (Id.) He argues this is because of the degree of state intervention which exists in all three countries, despite their differing ideologies and policies. He suggests, in fact, that it may be precisely on the existence of public enterprise that the basis of cooperation must be structured.

Given these assertions, it seems unrealistic and in fact contradictory to suggest, as Ghai proceeds to do, that it is possible, despite the ideological and institutional differences between the participating states, to clarify the status of the Treaty: to make its terms binding on national courts; to establish enforcement mechanisms; to reach agreements on a regional industrial allocation pattern; and to provide incentives to attract transnational corporate investors. This contradiction suggests the necessity of deepening the underlying analysis of the causes of the institutionalized structural and political-economic difficulties hampering integration in the region.

It should be emphasized that the existing levels of integration in East Africa were developed in a colonial settler-capitalist context. This led to the development of parts of Kenya at the expense of underdevelopment throughout most of Tanzania and Uganda. Continued 'free trade' -- as posited by the 1967 Treaty² -- must inevitably attract transnational corporations to invest in the most developed areas, primarily Nairobi and Mombasa. This would foster further externally dependent uneven development at the expense of the rest of the regional population. In economic crises of the kind which today engulf the western world, the impact will inevitably fall most heavily on the least developed areas and the poorest sections of the regional population. It has, in part, been the participating nations' struggles to escape this impact that has led to the community's current impasse.

The fundamental differences in the political-economic systems of the three East African countries, however, will not -- even if they abandon the myth of free trade -- enable them to achieve effective economic integration involving joint allocation of industry and attainment of a regionally balanced, self-reliant, integrated economic system. The critical issue is not that state intervention exists in all three countries; even in the most

"capitalistic" "free enterprise" economy, the state intervenes extensively, utilizing laws to allocate powers to private actors who determine the nature of production and distribution of goods. Although the state exercises a significant degree of intervention in all three East African economies, the class nature and characteristics of that involvement are so different that it is illusory to propose that that might provide the basis for cooperation.

In Tanzania, the party and political leadership seek to create institutions to involve the working people and peasantry in implementing a transition to social ownership of the means of production. While this is not the place to attempt an assessment of their success, it is clear that their perspective is very different from that of Kenya. There, the elite, perhaps more accurately described as an emergent domestic bureaucratic bourgeoisie, seeks to utilize state machinery to advance itself in the context of continuing ties with and dependence on transnational corporations. In Uganda, the arbitrary use of state power to benefit favored elements of the military and bureaucracy has not only disrupted the previous externally dependent structure of experts, but has also further impoverished the masses of the population. Surely there is nothing in this picture to encourage hope that expressions of commitment to cooperation could lead to integration designed to provide productive employment opportunities and raise the living standards of the majority of the region's inhabitants!

More than that: There is a real danger that attempts to strengthen the power of the Community institutions, despite underlying difference, could have the consequence of strengthening the economically most powerful state capitalist regime, perhaps in collaboration with transnational corporate interests seeking to further exploit the regional populations and their resources.

The issue then, as Ghai himself points out, is not one of law *per se*. Rather it is one of the kinds of class relationships and joint political-economic institutions which need to be established to overcome uneven externally dependent development to achieve a balanced, integrated economy built around the creation of large scale modern industries directed to meeting the needs of all the citizens of the participating countries. There is not space here to consider these in detail. It is clear, however, that not only is the assumption of the efficacy of a free market inadequate. So are those institutions which perpetuate externally-dependent state capitalist regimes dominated by self-seeking elites. (The situation would not be improved -- it might even be worsened -- if they agreed upon incentives to attract foreign firms.) For effective integration to take place, directed to the needs of the masses of regional inhabitants, it is necessary for participating governments, representing the interests of the majority of their populations, to create joint institutions to achieve control of the "commanding heights" of the regional economy: not only basic industry, but also export-import and internal wholesale trade, and banking and financial institutions. Only on this basis can they formulate physical plans for restructuring the regional economy, allocating new industries and developing backward and forward linkages for the benefit of all participants. Only then can they formulate and implement parallel income policies and financial plans to capture the investible surpluses created in the region (much of them still shipped abroad in the form of profits, interest, high salaries and over-invoicing of imports by transnational firms) to ensure that essential desired industries and agricultural projects are established. In this context, they can determine

whether and in what specific industries they wish to permit transnational corporations to invest without endangering long-range self-reliant regional growth perspectives.

In short, Ghai has provided a useful analysis of the shortcomings of the legal framework of the East African Community. He has correctly pointed out the fallacy of the assumption of free trade in the 1967 Treaty, as well as identifying specific flaws in the legal arrangements. His failure to probe more deeply into the class nature and conflicting characteristics of the governments of the participating states apparently leads him to suggest that there remains among them a sufficient degree of common purpose to enable them, once they cast aside the free trade assumptions, to agree to institute an effective dynamic towards more meaningful regional cooperation. The experience of the East African Community should, instead, be added to a growing list of failures which suggest that this is unduly--perhaps even dangerously--optimistic.

Footnotes

1. Ghai's analysis leads him to conclude--with much justification--that the Treaty establishing ECOWAS is "an incredibly optimistic and...unrealistic document." (p. 10.)
2. It should be underscored that 'free trade' has always been a myth in Africa, behind which the most powerful oligopolistic corporations have extracted raw materials and sold manufactured goods to maximize their profits at the expense of the majority of Africans.

Nancy J. Hafkin and Edna G. Bay (eds.), Women in Africa: Studies in Social and Economic Change. Stanford, Stanford University Press, 1976. \$15.25.

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Although important early studies of African women by western women exist--Leith-Ross's study of the Igbo women's riots in Aba in 1929-30, Hunter's study of Pondo women of the Cape, and Smith's biography of Baba¹--comparative research on African women by women social scientists really dates from 1960 when *Femmes d'Afrique Noire*, edited by Denise Paulme, appeared.² Those articles by women anthropologists, writing about the lives of African women, asserted three things: that the activities, values, and goals of African women differed from men but were as important to a comprehensive understanding of African cultures as the lives and aspirations of African men; that women researchers working with women informants could gain fascinating information and perspectives about women's lives which male researchers working with male informants had failed to reveal; and that tremendous distortions concerning African women were perpetuated in the name of social science when male researchers attempted to portray the lives of women

by interviewing African males.

How long it takes obvious methodological failures to be corrected. Women in Africa, a collection of eleven studies focusing on African women's activities beyond childcare, the hearth, and the home, is only now available. In its introduction, Hafkin and Bay point out that literature concerning African women has described them largely in terms of their relationships to men--as wives, mothers, and lovers. This means that that large portion of women's social and economic activities which take place apart from men has been largely unexplored, because in social and economic arenas women lead lives either complementary to or, at certain developmental stages, relatively independent of men. Thus, the essays in this volume fill a very important gap in our knowledge of African societies, because many of them detail female activities as traders, shopkeepers, participants in voluntary associations, political participants (either together with men or in "dual-sex systems"), and in making decisions which shape their own futures.

Hafkin and Bay also discuss how western biases about the role of women in society have been projected onto African women with disastrous results. This means that British colonialists in Africa refused to recognize women's political participation among such groups as the Igbo of Nigeria; that British and French colonialists so undervalued female farming that women often were removed from their own land under colonial rule; and that female farmers were further undermined, because colonial officials and European developers taught modern farming techniques only to men. Furthermore, in observing African women, Europeans often were dismayed by polygyny, child betrothal, widow inheritance, and veiling of Moslem women, but they rarely asked African women how they viewed these practices. Nor did these reformers take time to understand what the real complaints of African women were.

This new book attempts to right many of these failures. Two articles provide insight into the dual-sex system of the Igbo of Nigeria (Okonjo) and the Ibgo women's war (Van Allen), while Hay's article documents how British colonial officials extracted labor and capital from the rural economy of western Kenya at the same time that they insisted African cultivators maintain their level of production. "The real burden of coping with this nearly impossible situation ... fell on the women, who remained at home while their husbands and sons sought outside employment" (p. 88). Robertson's study of non-elite Ga townswomen in Accra is particularly timely, since her research provides detailed information on women's abilities to handle finances and make commercial arrangements. Lewis's study of market women of Abidjan, Ivory Coast demonstrates how women sought through collective action to provide systematic capital accumulation, to reduce expenditures in buying goods from producers, and to defend their interests with authorities (p. 135).

Strobel describes how Moslem women in Mombasa, Kenya, learned collective action in women's associations. In the late 1950s, these groups successfully petitioned the colonial government for the same voting rights that women in other ethnic groups enjoyed. Their motivation sprang from ethnic competition and desires for prestige, rather than feminist consciousness. Brain discusses development projects in Tanzania to show that even when female farming skills were respected by developers, the needs of women were not taken into account because women were expected to put in the same eight hours in the fields that men did, and to do all domestic labor as well. Mulling's article explores the question of whether equal access to the means of production